

(5) *a review and amendment of hospital policies relating to patient safety.*

(c) *The department shall carefully and frequently monitor the hospital's adherence to the plan under this section and enforce compliance.*

SECTION 3. The change in law made by this Act applies to a potentially preventable adverse event that occurs on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2015.

Passed the Senate on March 23, 2015: Yeas 31, Nays 0; the Senate concurred in House amendment on May 19, 2015: Yeas 30, Nays 1; passed the House, with amendment, on May 13, 2015: Yeas 81, Nays 58, two present not voting.

Approved May 28, 2015.

Effective September 1, 2015.

**TORT LIABILITY ARISING FROM A VOLUNTEER'S
OPERATION OF A PARKS AND WILDLIFE DEPARTMENT
MOTOR-DRIVEN VEHICLE OR MOTOR-DRIVEN EQUIPMENT**

CHAPTER 184

S.B. No. 381

AN ACT

relating to tort liability arising from a volunteer's operation of a Parks and Wildlife Department motor-driven vehicle or motor-driven equipment.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.0281 to read as follows:

Sec. 11.0281. VOLUNTEER LIABILITY AND IMMUNITY. (a) *In this section, "volunteer" means a person rendering services for or on behalf of the department without the expectation of receiving monetary compensation from the department other than reimbursement for expenses incurred by the person during the performance of the service. The term does not include:*

(1) *a person performing services as a result of a community service or community supervision sentence; or*

(2) *an inmate providing labor pursuant to Section 497.091, Government Code, or similar law.*

(b) *Except as provided by Subsection (c), a volunteer while acting within the course and scope of the volunteer's assignment for the department is immune from civil liability for any act or omission of the volunteer resulting from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by the department.*

(c) *This section does not apply to an act or omission that is intentional, wilfully negligent, or done with conscious indifference or reckless disregard for the safety of others.*

(d) *The department shall, from any funds appropriated to the department, compensate a claimant for property damage, personal injury, or death proximately caused by the wrongful act or omission or the negligence of a volunteer acting within the scope of the volunteer's assignment if:*

(1) *the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by the department; and*

(2) *the volunteer would be personally liable to the claimant under the laws of this state in the absence of the immunity provided by this section.*

(e) *The amount of compensation paid under Subsection (d) may not exceed the maximum amount applicable to a state agency as specified by Section 101.023(a), Civil Practice and Remedies Code.*

(f) *A volunteer operating or using a motor-driven vehicle or motor-driven equipment owned or leased by the department who is acting within the course and scope of a volunteer assignment for the department is exempt from the requirements of Chapter 601, Transportation Code.*

(g) *Except as provided by Subsection (d), this section does not create any liability of or waive any immunity of the department, employees of the department, or volunteers for the department.*

SECTION 2. The change in law made by Section 11.0281, Parks and Wildlife Code, as added by this Act, applies to an act or omission involving the operation of a motor-driven vehicle or motor-driven equipment occurring on or after the effective date of this Act. An act or omission involving the operation of a motor-driven vehicle or motor-driven equipment that occurs before the effective date of this Act is governed by the law in effect at the time the act or omission occurs, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

Passed the Senate on March 23, 2015: Yeas 31, Nays 0; passed the House on May 15, 2015: Yeas 137, Nays 2, two present not voting.

Approved May 28, 2015.

Effective September 1, 2015.

HEALTH CARE INFORMATION PROVIDED BY AND NOTICE OF FACILITY FEES CHARGED BY CERTAIN FREESTANDING EMERGENCY MEDICAL CARE FACILITIES

CHAPTER 185

S.B. No. 425

AN ACT

relating to health care information provided by and notice of facility fees charged by certain freestanding emergency medical care facilities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. NOTICE OF FACILITY FEES IN CERTAIN FREESTANDING EMERGENCY MEDICAL CARE FACILITIES

Sec. 241.251. **APPLICABILITY.** *This subchapter applies only to a freestanding emergency medical care facility, as that term is defined by Section 254.001, that is exempt from the licensing requirements of Chapter 254 under Section 254.052(8).*

Sec. 241.252. **NOTICE OF FEES.** (a) *In this section, "provider network" has the meaning assigned by Section 1456.001, Insurance Code.*

(b) *A facility described by Section 241.251 shall post notice that states:*

- (1) that the facility is a freestanding emergency medical care facility;*
- (2) that the facility charges rates comparable to a hospital emergency room and may charge a facility fee;*
- (3) that a facility or a physician providing medical care at the facility may not be a participating provider in the patient's health benefit plan provider network; and*